

REMARKS

This amendment is submitted with a Request for Continued Examination in response to the final Official Action mailed July 10, 2007. In view of the above claim amendments and the following remarks, reconsideration by the Examiner and allowance of the application is respectfully requested.

Claims 1, 2 and 11 have been amended, and new Claims 19- 21 have been added, to more particularly point out and distinctly claim the subject matter that applicant regards as the invention. In particular, Claim 1 has been amended so that it is now directed to an account created for magnetic card access by a third party financially dependent on a fund depositor, in which funds are transferred to the account, a magnetic card is issued to the third party for access to the funds, information is stored on fund transferees and corresponding payment amounts for the account and an accounting is automatically provided to the fund depositor via e-mail of how the third party spent said funds. The limitation added to Claim 1 regarding e-mail accounting of third party spending is disclosed in the specification at page 15, lines 11 – 19 and in original claims 3, 10 and 12, and does not introduce new matter.

Claims 2 and 11 have been amended to conform with the changes to Claim 1, which also does not introduce new matter. The subject matter of Claims 3, 10 and 12 have been added to Claim 1; accordingly, these claims have been canceled.

New Claims 19 and 20 are added, directed to the periodic accounting being performed daily and monthly. This is disclosed in the specification at page 15, lines 13 – 15 and does not introduce new matter. Regarding new Claim 21, prior to the present amendment, Claim 1 required spending any amount of funds on alcohol or tobacco to prohibited. This limitation has been deleted from Claim 1 and is now presented in new Claim 21. Support for this limitation has already been identified. Therefore, new Claim 21 also does not introduce new matter.

New Claims 22 – 24 are also added and are more generally directed to the creation of an account with debit card access into which funds may be deposited and from which

funds may be paid to transferees, for which information is stored on fund transferees and corresponding payment amounts and account information is automatically provided to the fund depositor via e-mail. Claims 23 and 24 are directed to providing the information daily and monthly. The support for Claims 22 – 24 has already been identified so that the addition of these claims also does not introduce new matter.

Instead, for reasons which are submitted below, the claims are believed to be in condition for allowance. The claim amendments are believed to resolve the concerns raised by the Examiner. Accordingly, reconsideration is respectfully requested.

Turning to the Official Action, Claims 1 – 4, 7, 10, 11, 13, 14 and 18 were rejected under 35 U.S.C. §103(a) as unpatentable over Oncken et al., U.S. Patent No. 4,725,719 in view of Nakano et al., U.S. Patent No. 5,845,260. Oncken et al. was cited as disclosing creating accounts for magnetic card access by third parties financially dependent on a fund depositor, in which funds are transferred to the account, a magnetic card is issued to the third parties for access to the funds, information is stored on fund transferees and corresponding payment amounts for the account and an accounting is automatically provided to the fund depositor of how the third parties spent the funds. Nakano, et al. was cited as disclosing prohibiting spending on restricted classes of goods and services. This rejection is respectfully traversed in view of the above claim amendments for the following reasons.

The limitation directed to prohibiting spending on restricted classes of goods and services had been deleted from Claim 1, rendering Nakano et al. irrelevant to this claim. Regarding Oncken et al., Claim 1 has been amended to add the limitation of Claim 12 directed to providing an accounting to the fund depositor via e-mail on how the third parties spent the funds. Claim 12 was not included in the present rejection, which is an implicit acknowledgment by the Examiner that the subject matter is neither taught nor suggested by the combined teaching of Oncken et al. and Nakano et al.

By amending Claim 1 to add the limitation of Claim 12, the rejection of Claims 1 – 4, 7, 10, 11, 13, 14 and 18 under 35 U.S.C. §103(a) as unpatentable over Oncken et al. in view of

Nakano et al. has thus been overcome. Reconsideration by the Examiner and withdrawal of this rejection is therefore respectfully requested.

Finally, Claim 12 was rejected as obvious under 35 U.S.C. §103(a) in view of Oncken et al., Nakano et al., and further in view of Hilt et al., U.S. Patent No. 5,465,206. The Examiner acknowledged that neither Oncken et al. nor Nakano et al. disclosed supplying information to the fund depositor by e-mail on how the third parties spent the funds but cited Hilt et al. as disclosing supplying transactional information by e-mail, in view of which the Examiner concluded that Claim 12 was obvious. This rejection is respectfully traversed in view of the above claim amendments for the reasons set forth hereinafter.

Because the Claim 1 has been amended to add the Claim 12 limitation, with Claim 12 being canceled, this rejection is now relevant to all thirteen pending claims, i.e., Claims 1, 2, 4, 11, 13, 14 and 18 – 24. Hilt et al. discloses an electronic bill payment system in which a consumers creditors optionally e-mail bills to the consumer. The consumer pays the bills either manually, via paper at an ATM, via personal computer or by a telephone keypad. Significantly, even though the bills can be transmitted by e-mail, there is no disclosure that the payment of the bill can be transmitted by e-mail.

Even more significantly, the banking method disclosed by Hilt et al. does not even remotely suggest that the bank statement accounting for the disclosed electronic bill payment transactions be transmitted to the consumer by e-mail. Because the use of e-mail for transmitting bills for payment to the consumer is disclosed by Hilt et al., the failure of Hilt et al. to teach the same delivery method for bank statements that account for the bill payments represents a teaching against providing bank transaction information by e-mail.

In addition to adding language from Claims 3 and 12 to Claim 1, this language was further amended to clarify that the e-mail information provided to the fund depositor is an accounting of how said third party spent the funds. Because Hilt et al. teaches against providing account information to a fund depositor by e-mail, amended Claim 1 and the claims depending therefrom are not obvious in view of the cited combination of prior art under 35 U.S.C. §103(a).

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Reconsideration by the Examiner and withdrawal of this rejection, and allowance instead of amended Claim 1 and Claims 2, 4, 11, 13, 14 and 18 – 21 depending therefrom, is therefore respectfully requested.

To be complete, new Claims 22 – 24 require a fund depositor to receive back account information by e-mail. These claims therefore also patentably define over the prior art of record for the reasons given above with respect to Claim 1 and the claims depending therefrom. Favorable consideration and allowance of Claims 22 – 24 is therefore respectfully requested.

Accordingly, in view of the above claim amendments, new claims, and the foregoing remarks, this application is now in condition for allowance. Reconsideration is respectfully requested. The Examiner is requested to telephone the undersigned if there are any remaining issues in this application to be resolved.

If there are any additional charges in connection with this response, the Examiner is authorized to charge Applicant's deposit account number 50-1943.

Respectfully submitted,

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